

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Benson et al.)
Serial No.: To be assigned)
Filed: September 5, 2003)
For: ASYMMETRIC BENZOXANTHENE)
DYES)
Group Art Unit: To be assigned)
Examiner: To be assigned)

<p>CERTIFICATION UNDER 37 CFR 1.10</p> <p>Express Mail Number EL 897 623 498 US</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p> <p><u>September 5, 2003</u> (Date of Deposit)</p> <p><u>Desi Inocencio</u> Name of Depositing Party</p> <p><u>Desi Inocencio</u> Signature of Depositing Party</p>

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO-1449) of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

- (a) ☒ accompanies a new patent application submitted herewith.
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.

- (d) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114.
- (e) ☐ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final action under § 1.113, a notice of allowance under § 1.311, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**
- (f) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, but on or before the payment of the issue fee, and is accompanied by the fee (\$180) set forth in 37 CFR § 1.17(i)(1) **and** a certification as specified in 37 CFR § 1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the information disclosure statement.** The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**

[If either of boxes (e) or (f) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was first cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A copy of the items on PTO-1449 is supplied herewith:

☐ each ☒ none ☐ only those listed below:


Those patent(s) or publication(s) listed in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial Nos. 08/626,085, filed April 1, 1996; 08/824,102, filed March 26, 1997; and 09/495,111, filed February 1, 2000, 09/976,842; filed October 11, 2001, all of which are relied upon in this application for an earlier filing date under 35 USC §120.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

Date: September 5, 2003


Vincent P. Liptak, Reg. No. 53,225
Agent for Applicants

Correspondence Address

Customer Number 22896
Applied Biosystems Division
850 Lincoln Centre Drive
Foster City, CA 94404
(650) 638-6895 (Phone)
(650) 638-6677 (Fax)

Please type a plus sign (+) inside this box. → ☐

PTO/SB/08A (08
Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	To be assigned
				Filing Date	September 5, 2003
				First Named Inventor	Scott C. Benson
				Group Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	1	of	3	Attorney Docket No.	4299C3

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	01	3,997,561		Seki et al.	12/14/1976	
	02	4,318,846		Khanna et al.	03/09/1982	
	03	4,757,141		Fung et al.	07/12/1988	
	04	4,933,471		Lee	06/12/1990	
	05	4,945,171		Haugland et al.	07/31/1990	
	06	5,066,580		Lee	11/19/1991	
	07	5,093,232		Urdea et al.	03/03/1992	
	08	5,188,934		Menchen et al.	02/23/1993	
	09	5,212,304		Fung et al.	05/18/1993	
	10	5,231,191		Woo et al.	07/27/1993	
	11	5,366,860		Bergot et al.	11/22/1994	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	12	DE	84 990 C		Farbenfabriken vorm. Friedr. Bayer & Co.	02/10/1895		
	13	DE	290 508 C		J.R. Geigy Ag.	06/12/1915		
	14	EP	0 061 746		University Patents, Inc.	06/10/1982		
	15	FR	2 556 726		California Institute of Technology	12/19/1984		
	16	EP	0 233 053		Applied Biosystems, Inc.	08/19/1987		
	17	EP	0 251 786		E.I DuPont De Nemours and Company	01/07/1988		
	18	EP	0 252 683		E.I DuPont De Nemours and Company	01/13/1988		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 58968_1

Please type a plus sign (+) inside this box. → ☐

PTO/SB/08A (08

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Applicant Number	To be assigned
				Filing Date	September 5, 2003
				First Named Inventor	Scott C. Benson
				Group Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	2	of	3	Attorney Docket No.	4299C3

	19	WO	91/05060		Applied Biosystems, Inc.	04/18/1991		
	20	WO	91/07507		Applied Biosystems, Inc.	05/30/1991		
	21	JP	4-118661		Mitsui Toatsu Chem. Inc.	04/20/1992		
	22	JP	5-500860		Applied Biosystems, Inc.	02/18/1993		
	23	WO	94/05688		Applied Biosystems, Inc.	03/17/1994		
	24	EP	0 617 047		Applied Biosystems, Inc.	09/28/1994		

OTHER ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	25	Bisanz et al., "Orientation in the Friedel-Crafts Acylation of α - and β -naphthol Derivatives. II. Reactions of 2-methylnaphthoresorcinol with Benzoyl Chloride Without a Catalyst and in the Presence of ZnCl ₂ ," <u>Rocz. Chem.</u> 41(5):803-814, Politech. Warszawa, Warsaw, Poland, CODEN:ROCHAC, Journal written in Polish, CAN 69:96313 (Abstract Only).			
	26	Crossfire Database, Beildtein Informationssysteme GmbH, brn=3501684, XP002037261, excerpt from Inoue et al., "Yuki Gossei Kagaku Kyokaaishi," <u>Journal</u> 17:714 Osaka, Japan (1959).			
	27	Fluka, Chemika-Biochemika Catalog, CH-9470 Buchs/Switzerland, page 942 (1993).			

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 58968_1

Please type a plus sign (+) inside this box. \rightarrow +

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Compleat if Kn wn	
				Application Number	To be assigned
				Filing Date	September 5, 2003
				First Named Invent r	Scott C. Benson
				Group Art Unit	To be assigned
				Examiner Name	To be assigned
				Attorney Docket No.	4299C3
Sheet	3	of	3		

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 58968 1